

The Honorable J. Richard Creatura

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IAN SIMMERS,

Plaintiff,

No. 2:21-CV-00100-JRC

vs.

KING COUNTY, et al.,

KING COUNTY'S ANSWER TO
COMPLAINT FOR DAMAGES

Defendants.

JURY DEMAND

Defendant King County, in answer to Plaintiff's ("Plaintiff") Complaint for Damages, admits, denies and alleges as follows:

COMPLAINT

1. In answering paragraph 1 of Plaintiff's complaint, King County admits plaintiff was 16 years old when he was arrested and when charges were initially brought against him charging him for the murder of Rodney Gochanour and admits that plaintiff's conviction was vacated in 2019 but denies all other allegations.
2. In answering paragraph 2 of Plaintiff's complaint, King County denies all allegations.

3. In answering paragraph 3 of Plaintiff's complaint, King County denies all allegations.

4. In answering paragraph 4 of Plaintiff's complaint, King County denies all allegations.

5. In answering paragraph 5 of Plaintiff's complaint, King County admits plaintiff was prosecuted as an adult and that he was sentenced to 560 months in prison but denies all other allegations.

6. In answering paragraph 6 of Plaintiff's complaint, King County admits plaintiff's conviction was vacated in 2019 and that plaintiff was imprisoned from age 16 to nearly 40 but denies all other allegations.

7. In answering paragraph 7 of Plaintiff's complaint, King County is without sufficient information to determine the truth or falsity of the allegations contained therein, and, therefore, denies the same.

Jurisdiction and Venue

8. In answering paragraph 8 of Plaintiff's complaint, King County leaves the issue of jurisdiction and venue to the court.

9. In answering paragraph 9 of Plaintiff's complaint, King County leaves the issue of jurisdiction and venue to the court.

The Parties

10. In answering paragraph 10 of Plaintiff's complaint, King County admits plaintiff spent nearly 23 years in prison after being convicted of murder, but is without sufficient information to determine the truth or falsity of the remaining allegations contained therein, and, therefore, denies the same

1 11. In answering paragraph 11 of Plaintiff's complaint, King County makes no
2 response to these allegations, as they pertain to another defendant.

3 12. In answering paragraph 12 of Plaintiff's complaint, King County makes no
4 response to these allegations, as they pertain to another defendant.

5 13. In answering paragraph 13 of Plaintiff's complaint, King County makes no
6 response to these allegations, as they pertain to another defendant.

7 14. In answering paragraph 14 of Plaintiff's complaint, King County admits that these
8 defendants were employees of King County at the time of the events that are the subject
9 of this suit. King County makes no response to the other allegations, as they pertain to
10 another defendant.

11 15. In answering paragraph 15 of Plaintiff's complaint, King County admits that this
12 defendant was an employee of King County at the time of the events that are the subject
13 of this suit. King County makes no response to the other allegations, as they pertain to
14 another defendant.

15 16. In answering paragraph 16 of Plaintiff's complaint, King County admits that
16 Jackson Beard was an employee of King County and in a supervisory role within the
17 Sheriff's Office at the time of the events that are the subject of this suit. King County
18 denies all other allegations.

19 17. In answering paragraph 17 of Plaintiff's complaint, King County denies all
20 allegations.

21 18. In answering paragraph 18 of Plaintiff's complaint, this paragraph makes no
22 allegations to which a response would be required.
23

1 19. In answering paragraph 19 of Plaintiff's complaint, King County makes no
2 response as the allegations appear to contain only legal conclusions for which no
3 response is required. However, to the extent factual allegations are intended or legal
4 conclusions contrary to applicable law are alleged, they are hereby denied.

5 20. In answering paragraph 20 of Plaintiff's complaint, King County admits only that
6 King County is a home charter county operating under the laws of the State of
7 Washington. King County makes no response to all other allegations as they appear to
8 contain only legal conclusions for which no response is required. However, to the extent
9 factual allegations are intended or legal conclusions contrary to applicable law are
10 alleged, they are hereby denied.

11 **The Rodney Gochanaur Murder and Initial Investigation**

12 21. In answering paragraph 21 of Plaintiff's complaint, King County admits.

13 22. In answering paragraph 22 of Plaintiff's complaint, King County makes no
14 response to these allegations, as they pertain to another defendant.

15 23. In answering paragraph 23 of Plaintiff's complaint, King County admits.

16 24. In answering paragraph 24 of Plaintiff's complaint, King County is without
17 sufficient information to determine the truth or falsity of the allegations contained
18 therein, and, therefore, denies the same.

19 25. In answering paragraph 25 of Plaintiff's complaint, King County makes no
20 response to these allegations, as they pertain to another defendant.

21 26. In answering paragraph 26 of Plaintiff's complaint, King County makes no
22 response to these allegations, as they pertain to another defendant.
23

1 27. In answering paragraph 27 of Plaintiff's complaint, King County makes no
2 response to these allegations, as they pertain to another defendant.

3 28. In answering paragraph 28 of Plaintiff's complaint, King County makes no
4 response to these allegations, as they pertain to another defendant

5 29. In answering paragraph 29 of Plaintiff's complaint, King County makes no
6 response to these allegations, as they pertain to another defendant.

7 **The Defendants Coerce Ian to Falsely Confess**

8 30. In answering paragraph 30 of Plaintiff's complaint, King County makes no
9 response to these allegations, as they pertain to another defendant.

10 31. In answering paragraph 31 of Plaintiff's complaint, King County denies all
11 allegations pertaining to King County and its employees.

12 32. In answering paragraph 32 of Plaintiff's complaint, King County denies all
13 allegations pertaining to King County and its employees.

14 33. In answering paragraph 33 of Plaintiff's complaint, King County denies all
15 allegations pertaining to King County and its employees.

16 34. In answering paragraph 34 of Plaintiff's complaint, King County admits that King
17 County officers arrested plaintiff and Jonathan Wyatt on investigation of Arson, Vehicle
18 Prowls and Malicious Mischief. All other allegations are denied.

19 35. In answering paragraph 35 of Plaintiff's complaint, King County denies all
20 allegations.

21 36. In answering paragraph 36 of Plaintiff's complaint, King County denies all
22 allegations pertaining to King County and its employees.
23

1 37. In answering paragraph 37 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 38. In answering paragraph 38 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 39. In answering paragraph 39 of Plaintiff's complaint, King County is without
6 sufficient information to determine the truth or falsity of the allegations contained
7 therein, and, therefore, deny the same.

8 40. In answering paragraph 40 of Plaintiff's complaint, King County denies all
9 allegations pertaining to King County and its employees.

10 41. In answering paragraph 41 of Plaintiff's complaint, King County denies all
11 allegations pertaining to King County and its employees.

12 42. In answering paragraph 42 of Plaintiff's complaint, King County denies all
13 allegations pertaining to King County and its employees.

14 43. In answering paragraph 43 of Plaintiff's complaint, King County denies all
15 allegations pertaining to King County and its employees.

16 44. In answering paragraph 44 of Plaintiff's complaint, King County denies all
17 allegations pertaining to King County and its employees.

18 45. In answering paragraph 45 of Plaintiff's complaint, King County denies all
19 allegations pertaining to King County and its employees.

20 46. In answering paragraph 46 of Plaintiff's complaint, King County denies all
21 allegations pertaining to King County and its employees.

22 47. In answering paragraph 47 of Plaintiff's complaint, King County denies all
23 allegations pertaining to King County and its employees.

1 48. In answering paragraph 48 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 49. In answering paragraph 49 of Plaintiff's complaint, King County is without
4 sufficient information to determine the truth or falsity of the allegations contained
5 therein, and, therefore, deny the same.

6 50. In answering paragraph 50 of Plaintiff's complaint, King County denies all
7 allegations pertaining to King County and its employees.

8 51. In answering paragraph 51 of Plaintiff's complaint, King County denies all
9 allegations pertaining to King County and its employees.

10 52. In answering paragraph 52 of Plaintiff's complaint, King County denies all
11 allegations pertaining to King County and its employees.

12 53. In answering paragraph 53 of Plaintiff's complaint, King County denies all
13 allegations pertaining to King County and its employees.

14 54. In answering paragraph 54 of Plaintiff's complaint, King County denies all
15 allegations pertaining to King County and its employees.

16 55. In answering paragraph 55 of Plaintiff's complaint, King County denies all
17 allegations pertaining to King County and its employees.

18 56. In answering paragraph 56 of Plaintiff's complaint, King County denies all
19 allegations pertaining to King County and its employees.

20 57. In answering paragraph 57 of Plaintiff's complaint, King County denies all
21 allegations pertaining to King County and its employees.

22 58. In answering paragraph 58 of Plaintiff's complaint, King County denies all
23 allegations pertaining to King County and its employees.

1 59. In answering paragraph 59 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 60. In answering paragraph 60 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 61. In answering paragraph 61 of Plaintiff's complaint, King County denies all
6 allegations pertaining to King County and its employees.

7 62. In answering paragraph 62 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 63. In answering paragraph 63 of Plaintiff's complaint, King County denies all
10 allegations pertaining to King County and its employees.

11 64. In answering paragraph 64 of Plaintiff's complaint, King County denies all
12 allegations pertaining to King County and its employees.

13 65. In answering paragraph 65 of Plaintiff's complaint, King County denies all
14 allegations pertaining to King County and its employees.

15 66. In answering paragraph 66 of Plaintiff's complaint, King County denies all
16 allegations pertaining to King County and its employees.

17 67. In answering paragraph 67 of Plaintiff's complaint, King County denies all
18 allegations pertaining to King County and its employees.

19 68. In answering paragraph 68 of Plaintiff's complaint, King County denies all
20 allegations pertaining to King County and its employees.

21 69. In answering paragraph 69 of Plaintiff's complaint, King County denies all
22 allegations pertaining to King County and its employees.
23

1 70. In answering paragraph 70 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 **The Defendants Fabricate Evidence Relating to the "Confession"**

4 71. In answering paragraph 71 of Plaintiff's complaint, King County denies all
5 allegations pertaining to King County and its employees.

6 72. In answering paragraph 72 of Plaintiff's complaint, King County denies all
7 allegations pertaining to King County and its employees.

8 73. In answering paragraph 73 of Plaintiff's complaint, King County denies all
9 allegations pertaining to King County and its employees.

10 74. In answering paragraph 74 of Plaintiff's complaint, King County denies all
11 allegations pertaining to King County and its employees.

12 75. In answering paragraph 75 of Plaintiff's complaint, King County denies all
13 allegations pertaining to King County and its employees.

14 76. In answering paragraph 76 of Plaintiff's complaint, King County denies all
15 allegations pertaining to King County and its employees.

16 77. In answering paragraph 77 of Plaintiff's complaint, King County denies all
17 allegations pertaining to King County and its employees.

18 78. In answering paragraph 78 of Plaintiff's complaint, King County denies all
19 allegations pertaining to King County and its employees.

20 79. In answering paragraph 79 of Plaintiff's complaint, King County denies all
21 allegations pertaining to King County and its employees.

22 80. In answering paragraph 80 of Plaintiff's complaint, King County denies all
23 allegations pertaining to King County and its employees.

1 81. In answering paragraph 81 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 82. In answering paragraph 82 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 83. In answering paragraph 83 of Plaintiff's complaint, King County denies all
6 allegations pertaining to King County and its employees.

7 84. In answering paragraph 84 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 85. In answering paragraph 85 of Plaintiff's complaint, King County denies all
10 allegations pertaining to King County and its employees.

11 86. In answering paragraph 86 of Plaintiff's complaint, King County denies all
12 allegations pertaining to King County and its employees.

13 87. In answering paragraph 87 of Plaintiff's complaint, King County makes no
14 response as the allegations appear to contain only legal conclusions for which no
15 response is required. However, to the extent factual allegations are intended or legal
16 conclusions contrary to applicable law are alleged, they are hereby denied.

17 88. In answering paragraph 88 of Plaintiff's complaint, King County denies all
18 allegations pertaining to King County and its employees.

19 89. In answering paragraph 89 of Plaintiff's complaint, King County denies all
20 allegations pertaining to King County and its employees.

21 **Defendants Commit Additional Misconduct**

22 90. In answering paragraph 90 of Plaintiff's complaint, King County denies all
23 allegations pertaining to King County and its employees.

1 91. In answering paragraph 91 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 92. In answering paragraph 92 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 93. In answering paragraph 93 of Plaintiff's complaint, King County denies all
6 allegations pertaining to King County and its employees.

7 94. In answering paragraph 94 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 95. In answering paragraph 95 of Plaintiff's complaint, King County denies all
10 allegations pertaining to King County and its employees.

11 **The Defendants Suppress Exculpatory Evidence and**
12 **Secure a Wrongful Conviction Pursuant to the Policies and**
Customs of the City of Bothell and King County

13 96. In answering paragraph 96 of Plaintiff's complaint, King County denies all
14 allegations pertaining to King County and its employees.

15 97. In answering paragraph 97 of Plaintiff's complaint, King County denies all
16 allegations pertaining to King County and its employees.

17 98. In answering paragraph 98 of Plaintiff's complaint, King County denies all
18 allegations pertaining to King County and its employees.

19 99. In answering paragraph 99 of Plaintiff's complaint, King County denies all
20 allegations pertaining to King County and its employees.

21 100. In answering paragraph 100 of Plaintiff's complaint, King County admits Plaintiff
22 was subject to criminal prosecution as an adult, was convicted of first-degree murder at
23 trial and sentenced to 560 months in prison. All other allegations are denied.

1 101. In answering paragraph 101 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 102. In answering paragraph 102 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 103. In answering paragraph 103 of Plaintiff's complaint, King County denies all
6 allegations pertaining to King County and its employees.

7 104. In answering paragraph 104 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 105. In answering paragraph 105 of Plaintiff's complaint, King County denies all
10 allegations pertaining to King County and its employees.

11 106. In answering paragraph 106 of Plaintiff's complaint, King County makes no
12 response as the allegations appear to contain only legal conclusions for which no
13 response is required. However, to the extent factual allegations are intended or legal
14 conclusions contrary to applicable law are alleged, they are hereby denied.

15 107. In answering paragraph 107 of Plaintiff's complaint, King County makes no
16 response as the allegations appear to contain only legal conclusions for which no
17 response is required. However, to the extent factual allegations are intended or legal
18 conclusions contrary to applicable law are alleged, they are hereby denied.

19 108. In answering paragraph 108 of Plaintiff's complaint, King County denies all
20 allegations pertaining to King County and its employees.

21 109. In answering paragraph 109 of Plaintiff's complaint, King County denies all
22 allegations pertaining to King County and its employees.
23

1 110. In answering paragraph 110 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 **Ian's DNA Exoneration and Release**

4 111. In answering paragraph 111 of Plaintiff's complaint, King County admits Plaintiff
5 served almost 23 years in prison but is without sufficient information to determine the
6 truth or falsity of the remaining allegations contained therein, and, therefore, denies the
7 same.

8 112. In answering paragraph 112 of Plaintiff's complaint, King County admits Plaintiff
9 filed a motion for relief under Washington CrR 7.8 in 2019. All other allegations are
10 denied.

11 113. In answering paragraph 113 of Plaintiff's complaint, King County admits that the
12 State of Washington, represented by the criminal division of the King County
13 Prosecutor's Office, moved to vacate plaintiff's conviction in 2019 and that his
14 conviction was vacated. All other allegations are denied.

15 **Plaintiff's Damages**

16 114. In answering paragraph 114 of Plaintiff's complaint, King County denies all
17 allegations pertaining to King County and its employees. King County is without
18 sufficient information to determine the truth or falsity of the other allegations contained
19 therein, and, therefore, deny the same.

20 115. In answering paragraph 115 of Plaintiff's complaint, King County denies all
21 allegations pertaining to King County and its employees. King County is without
22 sufficient information to determine the truth or falsity of the other allegations contained
23 therein, and, therefore, deny the same.

1 116. In answering paragraph 116 of Plaintiff's complaint, King County is without
2 sufficient information to determine the truth or falsity of the allegations contained
3 therein, and, therefore, deny the same.

4 117. In answering paragraph 117 of Plaintiff's complaint, King County admits that
5 Plaintiff was sentenced to 560 months in prison. King County is without sufficient
6 information to determine the truth or falsity of the other allegations contained therein,
7 and, therefore, deny the same.

8 118. In answering paragraph 118 of Plaintiff's complaint, King County is without
9 sufficient information to determine the truth or falsity of the allegations contained
10 therein, and, therefore, deny the same.

11 119. In answering paragraph 119 of Plaintiff's complaint, King County denies all
12 allegations pertaining to King County and its employees. King County is without
13 sufficient information to determine the truth or falsity of the other allegations contained
14 therein, and, therefore, deny the same.

15 120. In answering paragraph 120 of Plaintiff's complaint, King County is without
16 sufficient information to determine the truth or falsity of the allegations contained
17 therein, and, therefore, deny the same.

18 121. In answering paragraph 121 of Plaintiff's complaint, King County is without
19 sufficient information to determine the truth or falsity of the allegations contained
20 therein, and, therefore, deny the same.

21 **Count 1 – Federal Law**
22 **Fifth and Fourteenth Amendments**
23 **(Self-Incrimination, Right to Counsel)**

1 122. Answering paragraph 122, King County incorporates all responses and denials as
2 set forth in the previous paragraphs of this answer.

3 123. In answering paragraph 123 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 124. In answering paragraph 124 of Plaintiff's complaint, King County denies all
6 allegations pertaining to King County and its employees.

7 125. In answering paragraph 125 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 126. In answering paragraph 126 of Plaintiff's complaint, King County denies all
10 allegations pertaining to King County and its employees.

11 127. In answering paragraph 127 of Plaintiff's complaint, King County denies all
12 allegations pertaining to King County and its employees.

13 128. In answering paragraph 128 of Plaintiff's complaint, King County denies all
14 allegations pertaining to King County and its employees.

15 129. In answering paragraph 129 of Plaintiff's complaint, King County denies all
16 allegations pertaining to King County and its employees.

17 **Count 2 – Federal Law**
18 **Fourteenth Amendments (Due Process)**

19 130. Answering paragraph 130, King County incorporates all responses and denials as
20 set forth in the previous paragraphs of this answer.

21 131. In answering paragraph 131 of Plaintiff's complaint, King County denies all
22 allegations pertaining to King County and its employees.

23 132. In answering paragraph 132 of Plaintiff's complaint, King County denies all
allegations pertaining to King County and its employees.

1 133. In answering paragraph 133 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 134. In answering paragraph 134 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 135. In answering paragraph 135 of Plaintiff's complaint, King County denies all
6 allegations pertaining to King County and its employees.

7 136. In answering paragraph 136 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 **Count 3 – Federal Law**
10 **Sixth and Fourteenth Amendments (Due Process, Fair Trial)**

11 137. Answering paragraph 137, King County incorporates all responses and denials as
12 set forth in the previous paragraphs of this answer.

13 138. In answering paragraph 138 of Plaintiff's complaint, King County denies all
14 allegations pertaining to King County and its employees.

15 139. In answering paragraph 139 of Plaintiff's complaint, King County denies all
16 allegations pertaining to King County and its employees.

17 140. In answering paragraph 140 of Plaintiff's complaint, King County denies all
18 allegations pertaining to King County and its employees.

19 141. In answering paragraph 141 of Plaintiff's complaint, King County denies all
20 allegations pertaining to King County and its employees.

21 142. In answering paragraph 142 of Plaintiff's complaint, King County denies all
22 allegations pertaining to King County and its employees.

23 143. In answering paragraph 143 of Plaintiff's complaint, King County denies all
allegations pertaining to King County and its employees.

1 144. In answering paragraph 144 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 **Count 4 – Federal Law**
4 **Fourth Amendment (Detention Without Probable Cause)**

5 145. Answering paragraph 145, King County incorporates all responses and denials as
6 set forth in the previous paragraphs of this answer.

7 146. In answering paragraph 146 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 147. In answering paragraph 147 of Plaintiff's complaint, King County denies all
10 allegations pertaining to King County and its employees.

11 148. In answering paragraph 148 of Plaintiff's complaint, King County denies all
12 allegations pertaining to King County and its employees.

13 149. In answering paragraph 149 of Plaintiff's complaint, King County admits.

14 150. In answering paragraph 150 of Plaintiff's complaint, King County denies all
15 allegations pertaining to King County and its employees.

16 151. In answering paragraph 151 of Plaintiff's complaint, King County denies all
17 allegations pertaining to King County and its employees.

18 152. In answering paragraph 152 of Plaintiff's complaint, King County denies all
19 allegations pertaining to King County and its employees.

20 **Count 5 – Federal Law**
21 **Failure to Intervene**

22 153. Answering paragraph 153, King County incorporates all responses and denials as
23 set forth in the previous paragraphs of this answer.

1 154. In answering paragraph 154 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 155. In answering paragraph 155 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 156. In answering paragraph 156 of Plaintiff's complaint, King County denies all
6 allegations pertaining to King County and its employees.

7 157. In answering paragraph 157 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 **Count 6 – Federal Law**
10 **Conspiracy to Deprive Constitutional Rights**

11 158. Answering paragraph 158, King County incorporates all responses and denials as
12 set forth in the previous paragraphs of this answer.

13 159. In answering paragraph 159 of Plaintiff's complaint, King County denies all
14 allegations pertaining to King County and its employees.

15 160. In answering paragraph 160 of Plaintiff's complaint, King County denies all
16 allegations pertaining to King County and its employees.

17 161. In answering paragraph 161 of Plaintiff's complaint, King County denies all
18 allegations pertaining to King County and its employees.

19 162. In answering paragraph 162 of Plaintiff's complaint, King County denies all
20 allegations pertaining to King County and its employees.

21 163. In answering paragraph 163 of Plaintiff's complaint, King County denies all
22 allegations pertaining to King County and its employees.

23 164. In answering paragraph 164 of Plaintiff's complaint, King County denies all
allegations pertaining to King County and its employees.

1 165. In answering paragraph 165 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 **Count 7 – Federal Law**
4 **Municipal Liability for Bothell and King County**

5 166. Answering paragraph 166, King County incorporates all responses and denials as
6 set forth in the previous paragraphs of this answer.

7 167. In answering paragraph 167 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 168. In answering paragraph 168 of Plaintiff's complaint, King County denies all
10 allegations pertaining to King County and its employees.

11 169. In answering paragraph 169 of Plaintiff's complaint, King County denies all
12 allegations pertaining to King County and its employees.

13 170. In answering paragraph 170 of Plaintiff's complaint, King County denies all
14 allegations pertaining to King County and its employees.

15 171. In answering paragraph 171 of Plaintiff's complaint, King County denies all
16 allegations pertaining to King County and its employees.

17 172. In answering paragraph 172 of Plaintiff's complaint, King County denies all
18 allegations pertaining to King County and its employees.

19 173. In answering paragraph 173 of Plaintiff's complaint, King County denies all
20 allegations pertaining to King County and its employees.

21 174. In answering paragraph 174 of Plaintiff's complaint, King County denies all
22 allegations pertaining to King County and its employees.

23 175. In answering paragraph 175 of Plaintiff's complaint, King County denies all
allegations pertaining to King County and its employees.

1 176. In answering paragraph 176 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 177. In answering paragraph 177 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 178. In answering paragraph 178 of Plaintiff's complaint, King County denies all
6 allegations pertaining to King County and its employees.

7 179. In answering paragraph 179 of Plaintiff's complaint, King County denies all
8 allegations pertaining to King County and its employees.

9 180. In answering paragraph 180 of Plaintiff's complaint, King County denies all
10 allegations pertaining to King County and its employees.

11 181. In answering paragraph 181 of Plaintiff's complaint, King County denies all
12 allegations pertaining to King County and its employees.

13 **Count 8 – State Law**
14 **Malicious Prosecution**

15 182. Answering paragraph 182, King County incorporates all responses and denials as
16 set forth in the previous paragraphs of this answer.

17 183. In answering paragraph 183 of Plaintiff's complaint, King County denies all
18 allegations pertaining to King County and its employees.

19 184. In answering paragraph 184 of Plaintiff's complaint, King County denies all
20 allegations pertaining to King County and its employees.

21 185. In answering paragraph 185 of Plaintiff's complaint, King County denies all
22 allegations pertaining to King County and its employees.

23 186. In answering paragraph 186 of Plaintiff's complaint, King County admits.

1 187. In answering paragraph 187 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 188. In answering paragraph 188 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 **Count 9 – State Law**
6 **Outrage**

7 189. Answering paragraph 189, King County incorporates all responses and denials as
8 set forth in the previous paragraphs of this answer.

9 190. In answering paragraph 190 of Plaintiff's complaint, King County denies all
10 allegations pertaining to King County and its employees.

11 191. In answering paragraph 191 of Plaintiff's complaint, King County denies all
12 allegations pertaining to King County and its employees.

13 192. In answering paragraph 192 of Plaintiff's complaint, King County denies all
14 allegations pertaining to King County and its employees.

15 193. In answering paragraph 193 of Plaintiff's complaint, King County denies all
16 allegations pertaining to King County and its employees.

17 **Count 10 – State Law**
18 **Civil Conspiracy**

19 194. Answering paragraph 194, King County incorporates all responses and denials as
20 set forth in the previous paragraphs of this answer.

21 195. In answering paragraph 195 of Plaintiff's complaint, King County denies all
22 allegations pertaining to King County and its employees.

23 196. In answering paragraph 196 of Plaintiff's complaint, King County denies all
allegations pertaining to King County and its employees.

1 197. In answering paragraph 197 of Plaintiff's complaint, King County denies all
2 allegations pertaining to King County and its employees.

3 198. In answering paragraph 198 of Plaintiff's complaint, King County denies all
4 allegations pertaining to King County and its employees.

5 **Count 11 – State Law**
6 **Repondeat Superior**

7 199. Answering paragraph 199, King County incorporates all responses and denials as
8 set forth in the previous paragraphs of this answer.

9 200. In answering paragraph 200 of Plaintiff's complaint, King County makes no
10 response as the allegations appear to contain only legal conclusions for which no
11 response is required. However, to the extent factual allegations are intended or legal
12 conclusions contrary to applicable law are alleged, they are hereby denied.

13 201. In answering paragraph 201 of Plaintiff's complaint, King County makes no
14 response as the allegations appear to contain only legal conclusions for which no
15 response is required. However, to the extent factual allegations are intended or legal
16 conclusions contrary to applicable law are alleged, they are hereby denied.

17 **Count 12 – State Law**
18 **Negligence**

19 202. Answering paragraph 202, King County incorporates all responses and denials as
20 set forth in the previous paragraphs of this answer.

21 203. In answering paragraph 203 of Plaintiff's complaint, King County makes no
22 response as the allegations appear to contain only legal conclusions for which no
23 response is required. However, to the extent factual allegations are intended or legal
conclusions contrary to applicable law are alleged, they are hereby denied

2. Plaintiff's damages and injuries, if any, may have been caused by another party to this lawsuit over whom the County had no control. Accordingly, any award of damages to this plaintiff must be reduced to reflect the percentage of fault attributable to each at fault party, as required by RCW 4.22.070.
3. Plaintiff's claims are barred given their unclean hands and/or their assumption of risk.
4. Plaintiff has have failed to mitigate their damages, if any are found to exist.
5. The injuries and damages, if any, claimed by the plaintiff herein were the result of the plaintiff's own misconduct.
6. King County is entitled to absolute immunity for actions of the King County Prosecuting Attorney or King County Superior Court Judges related to his prosecution.
7. King County is not liable for actions taken by officers that are entitled to qualified immunity.
8. The claims are barred by judicial estoppel and/or collateral estoppel.
9. Some or all of Plaintiff's claims are barred by the statute of limitations.
10. Some or all of Plaintiff's claims are barred by the doctrine of laches.
11. Some or all of Plaintiff's claims are barred by *Heck v. Humphrey*.
12. Plaintiff has failed to state an actionable policy or practice pursuant to *Monell*.
13. Plaintiff lacks standing to bring claims related to the interrogation of Jonathan Wyatt.
14. Plaintiff may not seek punitive damages against King County.

1 15. Defendants Jackson Beard and Clement Rusk are deceased. As such they are
2 incapable of being sued. Any claims against their estates are barred pursuant to
3 RCW 11.40.051.


4 King County reserves the right to amend this answer and these affirmative defenses, if
5 and when additional facts are discovered which support such amendments.

6 WHEREFORE, Defendant King County prays as follows:

7 That plaintiff takes nothing by his complaint, that the complaint be dismissed with
8 prejudice and that defendant King County be awarded their costs and reasonable attorneys' fees
9 incurred herein.

10 DATED this 22nd day of February 2021.

11 DANIEL T. SATTERBERG
12 King County Prosecuting Attorney

13 By: 
14 SAMANTHA D. KANNER, WSBA #36943
15 Senior Deputy Prosecuting Attorneys
16 Attorneys for Defendant King County
17 500 4th Avenue, 9th Floor
18 Seattle, WA 98104
19 Phone: (206) 296-8820/Fax: (206) 296-8819
20 samantha.kanner@kingcounty.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2021, I electronically filed the foregoing document(s) with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following participants:

John Hazinski
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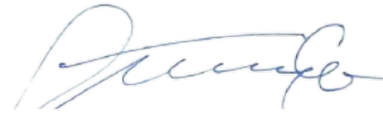
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I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 22nd day of February 2021 at Bellevue, Washington.



RAFAEL MUNOZ-CINTRON
Legal Assistant
King County Prosecuting Attorney's Office